

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:15-CV-125-FL

WAKE COUNTY SHERIFF DEPUTY K.B)
HINTON and NORTH CAROLINA STATE)
GOVERNMENT,)
)
Plaintiffs,)
)
v.)
)
BRIAN GEORGE DAY,)
)
Defendant.)

ORDER

This matter is before the court on the memorandum and recommendation (“M&R”) of Magistrate Judge James E. Gates, pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), wherein it is recommended that the court dismiss plaintiff’s complaint on frivolity review under 28 U.S.C. § 1915(e)(2)(B). Plaintiff did not object to the M&R. The magistrate judge determined that plaintiff’s removal action challenging a county traffic citation lacks subject matter jurisdiction pursuant to Younger v. Harris, 401 U.S. 37 (1971) . Upon careful review of the M&R and the record generally, finding no error in this determination, the court ADOPTS the findings and recommendations of the magistrate judge. This action is REMANDED to Wake County District Court, pursuant to 28 U.S.C. § 1447(c) and 28 U.S.C. § 1915(e)(2)(B). The clerk is directed to close this case.

SO ORDERED, this the 26th day of October, 2015.



LOUISE W. FLANAGAN
United States District Judge